

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ELIZABETH DOLES,

Plaintiff,

v.

LOTUS MEDICAL CENTER,

Defendant.

Civil Action No. 17-10568 (MAS) (LHG)

**MEMORANDUM ORDER**

On November 1, 2017, Elizabeth Doles (“Plaintiff”) filed the instant miscellaneous action “for the enforcement of a subpoena of a fellow federal court.” (Compl., ECF No. 1.) Following the Clerk’s Office’s assessment of a \$400 filing fee, Plaintiff filed the present motion for miscellaneous relief for reimbursement of part of this fee. (ECF No. 4.) Lotus Medical Center (“Defendant”) did not file opposition to Plaintiff’s original action or to the present motion.

Pursuant to 28 U.S.C. § 1914:

The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee. . . . The clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.

28 U.S.C. § 1914(a),(b). The District Court of New Jersey’s Local Civil Rules specifically reference “civil, criminal, [and] miscellaneous cases.” L.Civ.R. 5.2(2). The United States District Court Clerk’s Office’s Schedule of Fees sets forth a \$47.00 fee for “[f]iling miscellaneous paper (any document not related to a pending case or proceeding).” The District Court Clerks’ Manual provides, in relevant part:

### When to Use a Miscellaneous Number

Miscellaneous numbers are assigned to a variety of matters filed with the court which are not properly considered civil or criminal cases. These matters, however, may be directly or indirectly related to civil or criminal cases pending within the district or another district. In general, miscellaneous actions are used for administrative matters that require resolution through the judicial system.

(Administrative Office of the United States Courts, District Clerks' Manual, Case Opening, § 4.03(a)(1).)

Plaintiff's action, filed pursuant to Federal Rule of Civil Procedure 45(g) for the enforcement of a subpoena, was best characterized as a miscellaneous action. The Court, therefore, finds good cause to grant the relief requested by Plaintiff and to order the Clerk's Office to refund the overcharge. Accordingly,

**IT IS** on this 21<sup>st</sup> day of May 2018,

**ORDERED** that the Clerk's Office shall issue Plaintiff a refund in the amount of \$353.

s/ Michael A. Shipp  
**MICHAEL A. SHIPP**  
**UNITED STATES DISTRICT JUDGE**